

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BIENVENIDO I. LUGO MARCHANT,
Plaintiff,

v.

PETER TSICKRITZIS, KEVIN
KINGSTON and UNITED LIQUORS
LIMITED,
Defendants.

Civil Action No. 05 11317 NMG

MOTION TO RESCHEDULE PRE-TRIAL CONFERENCE AND TRIAL

Defendants, United Liquors, Ltd., Peter Tsickritzis, and Kevin Kingston (“Defendants”), move to reschedule the date of the pre-trial conference, set for July 11, 2007, and the date the trial is scheduled to begin, July 16, 2007, due to the pendency of the Court’s action on the Report and Recommendation on Defendants’ Motion For Summary Judgment issued by Magistrate Judge Dein on May 23, 2007. As grounds for their motion, Defendants state the following:

1. This action arises out of Plaintiff’s employment with United Liquors Limited (“United Liquors”) in 2003. In his Complaint served in September 2005, proceeding *pro se*, Plaintiff alleges discriminatory treatment during his employment and asserts claims under Title VII of the Civil Rights Act of 1964 and Title I of the Americans With Disabilities Act.

2. After discovery, Defendants moved for summary judgment on Plaintiff’s Complaint in its entirety on February 7, 2007. Magistrate Judge Dein recommended that summary judgment enter for Defendants on all claims. That recommendation is now before the Court for consideration.

3. If the Court adopts the recommendation of Magistrate Judge Dein that summary judgment should enter for Defendants, there will be no need for a pre-trial conference or trial.

Accordingly, in the interests of judicial economy and to prevent an undue burden on the parties, Defendants respectfully request that the Court continue the pretrial conference and trial set for July 11, 2007 and July 16, 2007, respectively, until such time as the Court rules on the Report and Recommendation on Defendants' Motion For Summary Judgment.

WHEREFORE, Defendants request that the Court continue the dates of the pre-trial conference and trial to dates until after the Court's ruling on the Magistrate's recommendation.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel for Defendants, Joan Ackerstein, hereby certifies that she conferred with Plaintiff about this motion on July 9, 2007, and that Plaintiff advised he would oppose the motion because he was "not interested in delaying Justice."

Respectfully submitted,

UNITED LIQUORS LIMITED, PETER
TSICKRITZIS and KEVIN KINGSTON,

By their attorneys,

/s/ Joan Ackerstein

Joan Ackerstein (BBO# 348220)
Heather Stepler (BBO# 654269)
JACKSON LEWIS LLP
75 Park Plaza, 4th Floor
Boston, Massachusetts 02116
(617) 367-0025; Fax: (617) 367-2155

Dated: July 9, 2007

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2007, this document was served upon Plaintiff, Bienvenido I. Lugo Marchant, 19 Grove Street, Brockton, MA 02301, by first class mail, postage prepaid.

/s/ Joan Ackerstein

Jackson Lewis LLP